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★ OCT 7 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -x	:	P.M. _____ TIME A.M. _____
ZHU, BIAO,	:	<u>STIPULATION AND ORDER</u>
A73 587 115,	:	TRANSFERRING CASE AS
Petitioner,	:	PETITION FOR REVIEW
- v. -	:	PURSUANT TO RIDA
THOMAS RIDGE, et al.,	:	Civil Action
Respondents.	:	No. CV-05-0274
- - - - -x	:	(Amon, J.)

WHEREAS, Petitioner BIAO ZHU filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of an administratively final deportation order;

WHEREAS, section 106(c) of the REAL ID Act of 2005 ("RIDA"), Pub. L. No. 109-13, Div. B, 119 Stat. 231 (May 11, 2005), provides that a case brought pursuant to 28 U.S.C. § 2241 which challenges an administratively final deportation order, and which was pending when RIDA was enacted, shall be transferred to the court of appeals for the circuit in which a petition for review could have been properly filed pursuant to section 242 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1252, as amended by RIDA § 106;

WHEREAS, pursuant to INA § 242(b)(2), 8 U.S.C. § 1252(b)(2), the appropriate judicial circuit is the one in which the immigration judge completed proceedings, and the Petitioner's

deportation proceedings were completed in New York, New York;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:


(1) This case is transferred in its entirety, pursuant to RIDA § 106(c), to the United States Court of Appeals for the Second Circuit, as a petition for review; and


(2) The Petitioner's removal is stayed pending further order from the Court of Appeals.

Dated: New York, New York
June 20, 2005

Brooklyn, New York
June 21, 2005

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SO ORDERED:

Dated: Brooklyn, New York
October 6, 2005

*This Court's letter endorsement
order of 6/25/05 is vacated.*

IS/HON. CAROL B. AMON
HONORABLE CAROL BAGLEY AMON
United States District Judge

C/M